

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING**

UNITED STATES OF AMERICA

Plaintiff,

v.

**CRIMINAL ACTION NO. 5:13-CR-30-
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(BAILEY)**

ROCCI WADE,

Defendant.

**ORDER ADOPTING RECOMMENDATION THAT DEFENDANT'S
PRETRIAL MOTIONS BE DENIED**

On this day, the above-styled matter came before the Court for consideration of the Recommendation of United States Magistrate Judge James E. Seibert, filed on September 18, 2013 [Doc. 81]. In that filing, the magistrate judge recommends that this Court deny the defendant's Motion to Suppress Witness Statements [Doc. 57] and Motion to Dismiss Counts Fourteen and Fifteen for Lack of Proof [Doc. 58].

Pursuant to 28 U.S.C. § 636 (b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo*

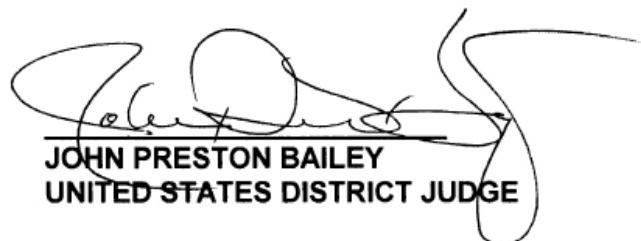
review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's recommendation were due within fourteen (14) days of its receipt. As the defendant is represented by counsel, receipt was accepted the date of filing, September 18, 2013. To date, no objections have been filed. Accordingly, this Court will review the same for clear error.

Upon careful review of the record, it is the opinion of this Court that the magistrate judge's Recommendation That Defendant's Pretrial Motions Be Denied [**Doc. 81**] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, the defendant's Motion to Suppress Witness Statements [**Doc. 57**] and Motion to Dismiss Counts Fourteen and Fifteen for Lack of Proof [**Doc. 58**] are hereby **DENIED**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: October 8, 2013.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE